

WTC

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

FILED

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UNITED STATES OF AMERICA,

Plaintiff,

v.

Enrique VILCHIS-Lopez

Defendant.

Magistrate Case No. \_\_\_\_\_

COMPLAINT FOR VIOLATION OF

Title 8, U.S.C., Section 1326


Attempted Entry After

Deportation

The undersigned complainant being duly sworn states:

On or about **November 11, 2007**, within the Southern District of California, defendant **Enrique VILCHIS-Lopez**, an alien, who previously had been excluded, deported and removed from the United States to **Mexico**, attempted to enter the United States with the purpose; i.e. conscious desire, to enter the United States at the **Otay Mesa Port of Entry**, without the Attorney General of the United States or his designated successor, the Secretary of the Department of Homeland Security (Title 6, United States Code, Sections 202(3) and (4), and 557), having expressly consented to the defendant's reapplication for admission into the United States; in violation of Title 8, United States Code, Section 1326.

And the complainant states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.

  
 SIGNATURE OF COMPLAINANT

Sara Esparagoza, United States Customs  
and Border Protection Enforcement Officer

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE THIS **13th** DAY OF  
**November, 2007**.

  
 UNITED STATES MAGISTRATE JUDGE

**PROBABLE CAUSE STATEMENT**

On November 11, 2007 at approximately 5:35 P.M., a male identified as **Enrique VILCHIS-Lopez (Defendant)**, attempted to enter the United States from Mexico via the Otay Mesa California Port of Entry. Defendant presented his Permanent Resident Card (Form I-551) that he is no longer lawfully entitled to. Defendant stated to a Customs and Border Protection (CBP) Officer that he was going to Chula Vista, California. The CBP Officer queried the I-551 presented by Defendant through the Interagency Border Inspection System (IBIS) and received a positive response. The CBP Officer referred Defendant to secondary for further inspection.

During secondary inspection Defendant's fingerprints were queried utilizing the Integrated Automated Fingerprint Identification System (IAFIS). IAFIS confirmed Defendant's identity and produced a positive response indicating the Defendant was previously deported.

Further queries utilizing the Immigration Central Index System (CIS) and the Deportable Alien Control System (DACS) confirmed Defendant is a citizen of Mexico without legal documents to enter the United States. DACS revealed Defendant was deported by an Immigration Judge on or about January 3, 2007 and was physically removed to Mexico on January 19, 2007.

Immigration records contain no evidence that Defendant has applied for, or received permission from the Attorney General of the United States or his designated successor, the Secretary of the Department of Homeland Security, to legally re-enter the United States.